

REMARKS

Claims 1-7, 9-19 and 21 are currently pending. Claim 1 has been amended to incorporate the limitations of claim 8, and claim 13 has been amended to incorporate the limitations of claim 20. Applicant submits that no new matter has been added by these amendments. Claims 8, 20 and 22-28 have been cancelled. Applicant has cancelled these claims without any admission as to their patentability and preserves the right to pursue the cancelled claims in a continuation application.

Claims 1-28 currently stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,729,079 issued to Francies, III et al. (hereinafter "Francies") and U.S. Patent No. 6,647,674 issued to Lancelot, III et al. (hereinafter "Lancelot"). Applicant traverses these rejections for at least the reasons presented below.

The Manual of Patent Examining Procedure states § 2141.03 states:

"To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970)."

Applicant submits that a *prima facie* case of obviousness has not been made as the Francies and Lancelot references, alone or in combination, fail to teach or suggest all of the claim limitations of claims 1-7, 9-19 and 21.

Claim 1, upon which claims 2-7 and 9-12 depend, and claim 13, upon which claims 14-19 and 21 depend, contain the limitation of a bar having a "wedged shaped foot" positioned adjacent the bottom of the bar. See claims 1 and 13. The "wedged shaped foot" is denoted by reference number 248 on FIG.'s 11-14. The wedged shape foot is shown to extend out from the front surface 211 and rear surface 213 of the bar 212. The design of the wedged shaped foot provides a slim, lightweight anchor of unitary design that provides a larger shear-cone in the concrete than existing anchors containing cutouts or pins.

The Examiner asserts that the Francies reference discloses a wedge shape foot in FIG. 15 as reference number 154. Francies discloses that this "inner end" 154 of the concrete anchor is

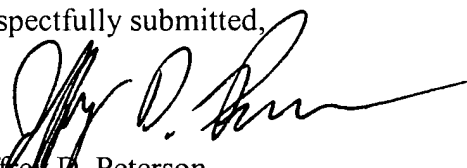
simply "complementary in shape to the outer end 156." See col. 7, lines 19-20. Neither the specification nor the drawings of Francies disclose that this "inner end" can project outward from the front and back face of the anchor, as is the wedge shaped foot of the presently claimed invention. The design of the "inner end" 154 of Francies would provide no shear cone of force when the anchor is utilized to lift a concrete form. The Lancelot reference also fails to teach or suggest a wedge shaped positioned adjacent the bottom of the bar.

Applicant submits that as the cited prior art references, alone or in combination, fail to teach or suggest all of the limitations of the present invention the Examiner has failed to set forth a *prima facie* case of obviousness. Applicant, therefore, respectfully requests the Examiner withdraw the rejections to claims 1-7, 9-19 and 21.

SUMMARY

Based on the foregoing, Applicant respectfully submits that the present application is in condition for allowance, and a favorable action thereon is respectfully requested. Should the Examiner feel that any other point requires consideration or that the form of the claims can be improved, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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